



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

DEC 18 2014

**OFFICE OF
COMPLIANCE AND ENFORCEMENT**

Reply To: OCE-133

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. John Ryan
President and CEO
ABM Mining Corporation
254 W. Hanley Avenue, Suite A
Coeur d'Alene, Idaho 83815

Re: April 30, 2014, NPDES Compliance Evaluation Inspection
MSGP Tracking Nos. IDR05CV74 (Lakeview Mill) and IDR12BG31 (Conjecture Mine)

Dear Mr. Ryan:

On April 30, 2014, the U.S. Environmental Protection Agency (EPA) visited ABM Mining Corporation's (ABM) office in Coeur d'Alene, Idaho. Due to snowy conditions along the road, the inspectors were unable to conduct a facility visit to the Lakeview Mill or Conjecture Mine. Therefore, the inspection was largely limited to a review of required documents and conversations with you and Mr. Bob Bonzer. The purpose of this inspection was to determine ABM's compliance with the requirements of the Clean Water Act (CWA) and the National Pollutant Discharge Elimination System (NPDES) permits that applies to this site, Multi-Sector General Permit for Stormwater Discharges from Industrial Activities (MSGP) Tracking No. IDR05CV74 and the Construction General Permit (CGP) Tracking No. IDR12BG31. I would like to express my appreciation for your company's time and cooperation during the inspection.

A review of the inspection report and EPA files revealed the following violations and concern. These findings are limited to those portions of the site covered by the inspection.

VIOLATIONS

Lakeview Mill

Part B8 of Appendix B of the MSGP states that, "You must also furnish to EPA or an authorized representative upon request, copies of records required to be kept by this permit." At the time of the inspection, you were unable to locate any documentation associated with the MSGP. This is a violation of Part B8 of Appendix B of the MSGP.

Part 4.3 of the MSGP states that, "You must conduct annual comprehensive site inspections while you are covered under this permit." Part 7.2 of the MSGP states that, "You must submit an annual report to EPA that includes the findings from your Part 4.3 comprehensive site inspection." According to EPA records, an annual report has not been submitted for the period September 29, 2012-September 29, 2013. At the time of the inspection, you were unable to provide documentation of an annual report or a comprehensive inspection for this period. These are violations of Parts 4.3 and 7.2 of the MSGP.

Part B.5 of Appendix B of the MSGP states that, "You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the condition of this permit." The poor condition of the lining of the tailings pond was noticed as an area of concern during the June 27, 2013 inspection. At the time of this year's inspection, you acknowledged that the lining of the tailings pond remained in poor condition. This is a violation of Part B.5 of Appendix B of the MSGP.

Conjecture Mine

Part 4.1.7.3 of the CGP states that the permittee is "required to keep a current copy of all inspection reports at the site or at an easily accessible location, so that it can be made available at the time of an onsite inspection or upon request by EPA." At the time of the inspection, you were unable to locate site inspection reports for the Conjecture Mine since the last EPA inspection (6/27/13). This is a violation of Part 4.1.7.3 of the CGP.

CONCERN

Conjecture Mine

Photos taken this past summer by the Forest Service show new road construction and work on previously existing roads. The concern is that the earthmoving activity created loose soils and unvegetated sediment that may discharge as turbid storm water to Gold Creek, a critical bull trout habitat. Please ensure adequate storm water controls, e.g., silt fences, berms, and/or sediment traps, etc., are implemented to minimize or eliminate turbid discharges.

Finally, based upon an email sent on December 12, 2014, to Eva DeMaria of my staff, ABM is possibly interested in closing both sites. If such is the case, ABM must ensure that both sites are fully stabilized and will no longer have discharges of stormwater associated with industrial activity. ABM must follow the terms of Part 1.4 of the MSGP and Part 8 of the CGP. You may also be subject to other state and federal requirements for closure.

Although it is EPA's goal to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the facility. We strongly encourage facilities to maintain full knowledge of the applicable NPDES requirements and other appropriate statutes, and to take all appropriate measures to ensure compliance. EPA retains all rights to pursue enforcement to address any violations. Enforcement can result in civil penalties of up to \$37,500 per day, per violation.

Please do not hesitate to contact us with any questions regarding this letter or other matters related to your compliance with the CWA, MSGP, or CGP. If you have any questions, please contact Eva DeMaria at demaria.eva@epa.gov or (206) 553-1970.

Sincerely,



Edward J. Kowalski
Director

cc: Daniel Redline
Idaho Department of Environmental Quality
Coeur d'Alene Office

Kevin Knesek
U.S. Forest Service
Panhandle National Forest